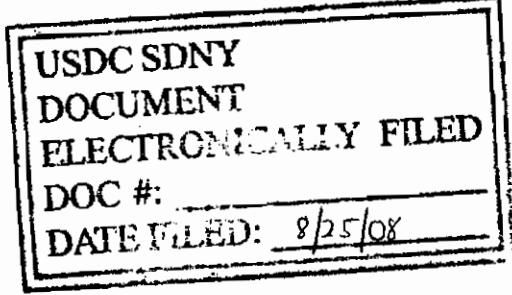


MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



CONTINENTAL
INSURANCE COMPANY

Plaintiff, : Civil Action No. 07 CV 3635

v. : Honorable Denny Chin

ATLANTIC CASUALTY
INSURANCE COMPANY,

ORDER

Defendant.

WHEREAS defendant Atlantic Casualty Insurance Company ("Atlantic Casualty") issued a subpoena dated March 18, 2008 to nonparty Wodraska Brothers, Inc. ("Wodraska Brothers") commanding it to appear for a deposition on May 1, 2008; and

WHEREAS Wodraska Brothers failed either to appear for a deposition on May 1, 2008 or to give a reason for its failure to appear; and

WHEREAS on June 16, 2008, Atlantic Casualty filed a motion for an Order holding Wodraska Brothers in contempt of court for Wodraska Brothers' failure to appear for a deposition on May 1, 2008 and directing Wodraska Brothers to appear for a deposition; and

WHEREAS by Order dated July 17, 2008, the Court ordered Wodraska Brothers to either comply with Atlantic Casualty's March 18, 2008 subpoena or respond to Atlantic Casualty's motion for contempt by July 27, 2008; and

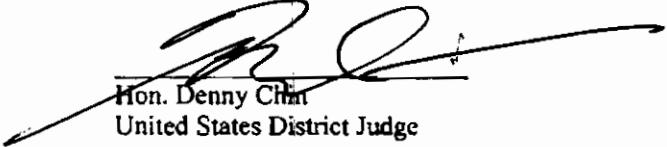
WHEREAS Wodraska Brothers failed to comply with the Court's July 17, 2008 Order; and

WHEREAS by Memorandum & Order dated August 13, 2008, the Court granted Atlantic Casualty's motion for contempt;

THE COURT HEREBY holds Wodraska Brothers in contempt based on its failure to comply with the Court's July 17, 2008 Order; and

IT IS HEREBY ORDERED that Wodraska Brothers pay sanctions to Atlantic Casualty in the amount of \$2,871.00 for the attorneys' fees and costs it has incurred in its efforts to secure the deposition of Wodraska Brothers.

Dated: New York, New York
August 25, 2008


Hon. Denny Chin
United States District Judge